

3656

DISTRICT COURT OF PITTSBURG COUNTY
STATE OF OKLAHOMA

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JUL 10 2012

Legal Division

DENISE OWENS,

Plaintiff,

Vs.

Case No.: CJ-2012-170

GUARANTEE TRUST LIFE
INSURANCE COMPANY,

Defendant.

RECEIVED
JUL 16 2012
LEGAL

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Guarantee Trust Life Insurance Company
C/o Ok State Insurance Commissioner
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112

You have been sued by the above named Plaintiff and you are directed to file a written Response to the attached Petition in the Office of the Court in the County named above within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your Response must be delivered or mailed to the attorney for Plaintiff or the Plaintiff if not represented by an attorney.

Unless you respond to the Petition within the time stated, judgment will be rendered against you for the relief demanded in the petition, with costs of the action.

Issued this 5 day of July, 2012.

Cindy Smith, Court Clerk

By: [Signature]
Deputy Court Clerk

By: [Signature]
Tod S. Mercer, #14157
MERCER LAW FIRM, P.C.
500 East Choctaw Avenue
McAlester, Oklahoma 74501
(918) 420-5850 Telephone
(918) 420-5855 Facsimile
Attorney for Plaintiff

YOU MAY SEEK ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THE SUIT OR YOUR RESPONSES. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT A RESPONSE MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS. This Summons AND Notice was served on this _____ day of _____, 2012.

Name of Person Serving Summons

EXHIBIT

"A"

IN THE DISTRICT COURT IN AND FOR PITTSBURG COUNTY
STATE OF OKLAHOMA

DENISE OWENS,

Plaintiff,

v.

GUARANTEE TRUST LIFE
INSURANCE COMPANY,

Defendant.

CINDY SMITH

DEPUTY

Case No. CJ-2012-170

ANSWER OF DEFENDANT

COMES NOW, Defendant, by and through its counsel of record, Brandon S. Nichols, of Brandon S. Nichols, P.C., of Oklahoma City, Oklahoma and hereby files its Answer to Plaintiff's Petition and states as follows:

1. At the time of Answering, Defendant is without sufficient knowledge, information and/or belief to allow it to admit the allegations contained in paragraph 3 of Plaintiff's Petition and therefore must deny the same;
2. Defendant admits the allegations contained in paragraphs 1, 2, 4, 5, 6, 7, 8, 10, 13 and 14 of Plaintiff's Petition; and
3. Defendant denies the allegations contained in paragraphs 9, 11, 12, 15, 16, 17, 18 and 19 of Plaintiff's Petition and demands strict proof thereof.

AFFIRMATIVE DEFENSES

At the of Answering, Defendant is without sufficient knowledge, information and/or belief to allow it to assert all Affirmative Defense that may be available to it. Therefore, Defendant, reserves the right to add, amend and/or supplement its Affirmative Defenses as discovery progresses:

1. Plaintiff has failed to state a claim for which relief can be granted;

2. Defendant is not liable to Plaintiff under any theory of fact or law;
3. Estoppel;
4. Waiver;
5. Statute of limitations;
6. Material misrepresentation with the intent to deceive or conceal;
7. The denial of the claim was supported by the policy;
8. Legitimate dispute;
9. Oklahoma's punitive damage statute is unconstitutional, as applied, under the United States and Oklahoma Constitutions;
10. Defendant's denial was supported by the medical evidence obtained in its investigation of the claim; and
11. Defendant reserves the right to add, amend and/or supplement its Affirmative Defenses as discovery progresses.

WHEREFORE, premises considered, Defendant prays that Plaintiff take nothing by way of her Petition and respectfully requests the Court dismiss this case and for such further legal and equitable relief as the Court deems just and proper.

Respectfully submitted,



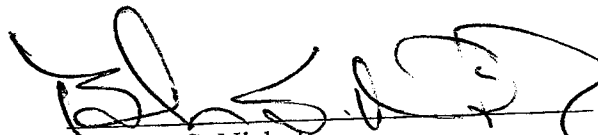
Brandon S. Nichols, OBA # 18973
BRANDON S. NICHOLS, P.C.
1215 N. Classen Drive
Oklahoma City, OK 73103
Tel. (405) 516.7822
Fax: (405) 516.7859

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

On the 6th day of August, 2012, a true and correct copy of Defendant's Answer was hand delivered to the following counsel of record:

Tod S. Mercer
500 East Choctaw Ave
McAlester, OK 74501



Brandon S. Nichols